

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, **June 16, 2004**.

MEMBERS PRESENT:

Leg. Daniel P. Losquadro, Chairman
Leg. Jay H. Schneiderman, Vice•Chairman
Leg. Michael Caracciolo
Leg. David Bishop
Leg. Peter O'Leary (Excused absence)

ALSO IN ATTENDANCE:

Mea Knapp, Counsel to Legislature
Alexandra Sullivan, Chief Deputy Clerk
Thomas Isles, Director of Planning
Roger Podd, County Executive's Office
Walter Dawydiak, Department of Health
Andrew Rapiejko, Department of Health
Adrienne Esposito, COC
Peter Maniscalco, COC
Dr. Christopher Gobler
John Turner
Janet Turner
Janet Longo, Suffolk County Real Estate
William Medeiros, Brookhaven National Lab
Randy Parsons, Nature Conservancy
Kevin LaValle, Aide to Leg. Losquadro
Maria Ammirati, Aide to Leg. O'Leary

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING CONVENED AT 1:12 AM)

CHAIRMAN LOSQUADRO:

Okay. We have enough. I call the meeting of Environment, Planning and Agriculture to order. Pledge of Allegiance led by Legislator Schneiderman.

(SALUTATION)

CHAIRMAN LOSQUADRO:

Okay, I know we have some anticipation as to the way the meeting was going to shape up, but out of respect for a colleague's request and for his personal well being, we are going to move to the agenda first so Legislator Caracciolo can be here to participate in the votes. And then we will move to the presentation. I have two cards. And neither of them appear to be relating to any item on the agenda. So, I'm going to hold those until after we move the agenda. If there is anyone wishing to be heard about any of the resolutions currently on the agenda, please come forward. If not, we're going to begin with the agenda now.

Okay. We'll begin with tabled resolutions. **1239 adopting a local law to provide Suffolk County Save Open Space Fund.** Do I have a motion?

LEG. CARACCILOLO:

Mr. Chairman, I'll make a motion to approve and maybe counsel could advise as to the timetable of •• have this resolution and the next resolution 1330 appear on the November ballot.

LEG. BISHOP:

Second for purposes of discussion.

CHAIRMAN LOSQUADRO:

Second by Legislator Bishop for purposes of discussion. Counsel?

MS. KNAPP:

The very last day that anything can get on the ballot is September 27th. But the Board of Elections must have communication from the County Clerk prior to •• on or before that date. So, realistically speaking, you know, we should be •• we should have everything in order by the 22nd, 23rd, 24th in order to transmit it to the Clerk so the Clerk ••

CHAIRMAN LOSQUADRO:

Of September?

MS. KNAPP:

Yes.

LEG. CARACCIOLO:

Okay. Then I'll make a motion to table one more cycle.

LEG. BISHOP:

On the motion.

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

At the last Committee meeting I believe it was there that I asked that the County attorney contact our bond counsel to find out what the implications of the funding mechanisms are. Legislator Fisher and myself •• I'm a co•sponsor •• our theory was that we could recognize money now against future revenues later on and we can pay back later on.

CHAIRMAN LOSQUADRO:

And I know for myself I have not heard back from ••

LEG. BISHOP:

We're told that we can't do that. I just want to see if we have an official opinion from somebody that •• whether we can or cannot. And I thought we'd have it today, but we ••

CHAIRMAN LOSQUADRO:

I have not heard anything as of yet. Is someone here from the County Attorney's Office who wishes to comment on that?

LEG. BISHOP:

County Executive's office?

CHAIRMAN LOSQUADRO:

Make sure we speak now or forever hold your peace. Well, we have a motion to table by Legislator Caracciolo, second by Legislator Schneiderman.

LEG. BISHOP:

There's no County Executive representative?

CHAIRMAN LOSQUADRO:

No one seems to want to come forward. All those in favor? Opposed? **Motion is tabled. (Vote: 4•0•0•1)**

1330•04 adopting a local law to establish a County Farmland Preservation Fund. Same motion, same second, same vote. Motion is tabled. (4•0•0•1)

1331•04 Charter Law adopting the extension of common sense tax stabilization plan for sewers, environmental protection and County taxpayers. I will make a motion to •• I have a motion to table by Legislator Bishop. I will second that motion. All those in favor? Opposed? **1331 is tabled. (Vote 4•0•0•1)**

1402 amending 2004 Capital Program and appropriating funds for improvements to active parkland/recreation areas at Maxine Postal County Park, Town of Babylon.

LEG. BISHOP:

Motion to approve.

CHAIRMAN LOSQUADRO:

Did we get the CEQ •• I know last time we had to table this. There was a question of CEQ on this. Mr. Isles?

LEG. BISHOP:

They're meeting tomorrow, right?

CHAIRMAN LOSQUADRO:

Well, there was a meeting today. I did not see it on the agenda.

MR. ISLES:

Right, this still requires CEQ. In order to get to CEQ it needs a site plan and an EAF to be prepared. Typically there's also a review by Parks Trustees; although that's not as compulsory to you.

CHAIRMAN LOSQUADRO:

Is the sponsor aware of those requirements, Legislator Mystal?

MR. ISLES:

I believe the Legislator is aware of those requirements.

LEG. BISHOP:

What's your basis for that? Because I just spoke to him twenty minutes ago and he said to move the bill and he •• see, this is an on going problem; is that, this is executive functions; and then they're used against Legislative resolutions as if it's the Legislator's job to walk it through a bureaucracy of the executive branch.

MR. ISLES:

What's a Legislative function? The executive function? To prepare this •• we don't have a site plan to bring to CEQ; that's the problem we have right now. So, CEQ has nothing to review as to whether or not there's an impact to the environment on this. So, once we have that, then, we can bring it to them.

LEG. BISHOP:

Who communicates with them?

LEG. SCHNEIDERMAN:

When would that likely •• when is that likely to happen?

MR. ISLES:

I can go call Legislator Mystal now, if you want me to.

LEG. SCHNEIDERMAN:

No, the only reason I ask the question because then we could discharge it without recommendation with hopes that •• all that happens before it reaches the floor.

MR. ISLES:

Well, it couldn't make it next week. CEQ meets on a monthly cycle.

LEG. SCHNEIDERMAN:

Then, we ought to table it.

CHAIRMAN LOSQUADRO:

Right. I think we have no choice at this point. Unfortunately, the only reason I mentioned whether or not legislator Mystal was aware of that, not that he should necessarily be the one who's responsible for getting that done, but at least so he can let the appropriate parties know that this is what is necessary to move this forward. So, I will make a motion to table.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN LOSQUADRO:

Seconded by Legislator Schneiderman. Yes, Mr. Isles.

MR. ISLES:

Just to add to that, Mr. Losquadro, is that this a project whereby the Village of Amityville has agreed that since the County purchased this property to develop a park, typically the sponsor or the partner would then prepare the plans and so forth. In this case under the Greenways capital infrastructure, the County would provide funding of up to \$250,000 as a match to what

the village is putting in. Historically then working with our partner, the County puts up the money to buy the land, the partner then •• then does the plans. And then we submit that to CEQ. We are more than happy to work with Legislator Mystal. I had a meeting with him morning. It didn't come up. But I'll certainly call him myself personally.

LEG. BISHOP:

That's fine. The problem I'm pointing out is that no letter goes out saying Dear Municipal Partner, here's what needs to happen. These are the steps you need to take. Go to this one, go to that one, go to, you know.

MR. ISLES:

Well, I've done letters. I don't know •• I don't think I did one in this case. If there is every any doubt ••

LEG. BISHOP:

And I don't know if that is your ••

MR. ISLES:

Well ••

LEG. BISHOP:

I just know that in general this is a problem.

MR. ISLES:

We stand prepared to assist. I had a case with Legislator Mystal a month ago; Copiague Park. We're ready to buy the property. He had questions on it. I met with him. We went through exactly what had to be done. I followed up with a letter to him saying this is you have to do. I'm more than happy to do it. I appreciate your comment in terms of is it as efficient as it could be? Maybe it's not, but we're certainly prepared to do what we can do to make it happen.

CHAIRMAN LOSQUADRO:

Thank you. We have a motion and a second to table. All those in favor? Opposed? **Motion is tabled. (Vote: 4•0•0•1)**

1403•04 (amending the 2004 Capital Program and Budget and appropriating funds for improvements to active parkland/recreation areas at Our Lady of Grace Roman Catholic Church property with Van Bourgondien County Park, Town of Babylon). I

understand Legislator Bishop's frustration with this process. Unfortunately this one will have to be tabled as well. Motion to table by Legislator Bishop, seconded by myself. All those in favor? Opposed? **1403 is tabled. (Vote: 4•0•0•1)**

1518•04, establish task force to develop common sense plan to expedite Suffolk County's Land Acquisition Program and Improve Accountability in Land Transactions.

Do I have a motion from the sponsor?

LEG. SCHNEIDERMAN:

I'll make a motion to table it. This was designed to help expedite the process. We've just passed something that also is designed to expedite the process. We'll see how that works.

CHAIRMAN LOSQUADRO:

So, we'll hold this one off ••

LEG. SCHNEIDERMAN:

Yeah, I'd like to keep it alive.

CHAIRMAN LOSQUADRO:

Keep it in reserve.

LEG. SCHNEIDERMAN:

Yes.

CHAIRMAN LOSQUADRO:

Okay. I'll entertain that motion to table by Legislator Schneiderman. Do I have a second?

LEG. CARACCILO:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Caracciolo. All this in favor? Opposed? **1518 is tabled. (Vote: 4•0•0•1)**

Onto introductory resolutions. **1570•04 authorizing planning steps for acquisition under the new Suffolk County Drinking Water Protection Program for the Williams Property, Cold Spring Harbor, Town of Huntington.** I'll make a motion to approve.

LEG. SCHNEIDERMAN:

I'd like to see a presentation of it.

CHAIRMAN LOSQUADRO:

Yeah, for the purposes of discussion.

LEG. CARACCILO:

I'll second it for the purposes of discussion.

CHAIRMAN LOSQUADRO:

That's what I was looking for. Second by Legislator Caracciolo for the purposes of discussion. Mr. Isles, do you have anything on this property?

MR. ISLES:

Yeah, just one point I'd like to bring to your attention. This was actually included on the master list approved by the Legislature last week. The only exception that was on the master list was to exclude the house; the mansion that's on this property. Otherwise, this is on Cold Spring Harbor on Long Island Sound. It is part of the planning steps you authorized last week; so we are proceeding on that basis any way.

CHAIRMAN LOSQUADRO:

Okay, then.

LEG. SCHNEIDERMAN:

Is it necessary to add the house? We don't typically don't like to go after these.

CHAIRMAN LOSQUADRO:

Right.

MR. ISLES:

No, we actually in our recommendation on the master list which you approved excluded the house. We're looking at ••

CHAIRMAN LOSQUADRO:

Well, I would agree with that. And I will change my motion to approve to a motion to table at this time. I'll speak with the sponsor; see if there was a reason he particularly wanted to include the house. Second by Legislator Caracciolo. Counsel?

MS. KNAPP:

This may have been filed before the master •• yeah, that's what I think happened.

MR. ISLES:

Yes. And I think the Legislator may have been not certain that the master list was going to be approved and to ensure that it happened, yes.

CHAIRMAN LOSQUADRO:

All those in favor? Opposed? **1570 is tabled. (Vote: 4•0•0•1)**

1597•04 amending the 2004 Capital Budget and program and appropriating funds in connection with updating and implementing the official map of Suffolk County. Do I have a motion? Explanation?

LEG. SCHNEIDERMAN:

I'll make a motion for discussion.

MR. ISLES:

Approximately four years ago the Legislature directed the County Planning Department to prepare and complete an official map of the County. An official map is provided for in state law as well as county law. And it is a document to reflect all the federal, state, county roads within the County •• federal, state and county facilities, major facilities, major drainage facilities, things of that nature; public improvements. And to the extent practicable planned highway improvements including new roads and things of that nature. The County Planning Department has been working on that project. We are under a deadline to get that to you by 2005. And we have also been working, by the way, with Department of Public Works as well. The purpose of the appropriation request before you is that we have put into the Capital Budget for 2004 a request for \$200,000 to help fund the actual production of the map itself. We are back to you at this time to request a national appropriation of 125,000. We think that's all we're going to need. And that's for the purpose of the •• here, again, on the production end of actually getting this map out the door. It is a •• at this point I'm not even aware of any other county in the state that has an official map it's adopted. It will be a fairly full hard copy atlas that we'll be providing to you as well as it's all going to be electronic on a GIS system, a geographic information system. So this will this complete that; enable us to complete the project.

LEG. BISHOP:

I have a question.

CHAIRMAN LOSQUADRO:

I applaud for coming in under budget. Well, first, I just want to get on the record we have a motion by Legislator Schneiderman, second by Legislator Caracciolo. Legislator Bishop.

LEG. BISHOP:

Yeah. One of the things that I think would be very helpful and I don't know if it's within the charge of •• in creating an official map is community facilities like group homes. Is that shown?

MR. ISLES:

Ah, we're required to show county facilities and state and federal facilities. So, if a group home is property that's owned by the County, then, that's going to show up on the map. In that's sense, yes.

LEG. BISHOP:

So, if it's a contract facility •• because one of the •• one of the issues is, as you know, in government is the •• are the burdens being spread equitably.

MR. ISLES:

Right.

LEG. BISHOP:

And a document like this could be very helpful towards that; but I guess that's not part of ••

MR. ISLES:

I think it's going to be probably a little bit too generic or general for that in I've had in my experience with the Town of Islip we had issues with community residences. We would then do an impaction analysis of a particular community, how many facilities are there, where are they, how far are they from each other. So, I think it would probably have to be done in a neighborhood of community scale, which would be difficult here. It would show a little dot probably if we own it on the map, but to get what you want probably is not going to be too easy with this map.

LEG. BISHOP:

Too bad.

MR. ISLES:

Sorry.

LEG. SCHNEIDERMAN:

Thank you.

MR. ISLES:

The electronic base will be good, I mean, as an indirect benefit but ••

CHAIRMAN LOSQUADRO:

We have a motion to approve and a second. All those in favor? Opposed? **1597 is approved. (Vote: 4•0•0•1)**

MR. ISLES:

Thank you.

CHAIRMAN LOSQUADRO:

Just to put on the record, this will require a three quarter vote at the general meeting to pass.

1623•04 establishing an incentive program promoting the closure of residential underground fuel tanks. Do I have a motion?

LEG. CARACCILO:

Motion.

CHAIRMAN LOSQUADRO:

Counsel, explanation.

LEG. CARACCILO:

Explanation.

CHAIRMAN LOSQUADRO:

Is there anyone here from the County Exec's Office who would like to explain this? Okay.

MS. KNAPP:

I think I probably should preface my comments by saying that I don't think we can •• can we vote on this today? Oh, we can? I know CEQ •• fine. Thank you. I know they were considering it today. Basically what this does is it establishes a rebate program. If a homeowner closes their underground oil tank in accordance with article 12, then, they're eligible to apply for, I believe it's a \$100 rebate.

CHAIRMAN LOSQUADRO:

From what I saw on the resolution, if there's a residential fuel storage tank underground eleven hundred gallons or less, it'll establish a \$100 incentive if it's properly closed in accordance with those guidelines. And I believe it sets aside \$200,000?

MS. KNAPP:

\$200,000 ••

CHAIRMAN LOSQUADRO:

For the program?

MS. KNAPP:

•• out of the 477 account. And it's starts on or after July 1st of this year.

CHAIRMAN LOSQUADRO:

Okay. I'll make a motion to approve.

LEG. CARACCILO:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Caracciolo. All those in favor? Opposed? **1623 is approved. (Vote: 4 •0•0•1)**

1630 making a SEQRA determination in connection with the proposed opening of firelanes in Veterans Park Complex including Knolls Park. That's the former Benjamin Property, Town of Huntington.

LEG. BISHOP:

These are SEQRA?

CHAIRMAN LOSQUADRO:

Yeah. Motion to approve by •• well, CEQ from what I have here •• CEQ recommends the activities considered an unlisted action. Motion to approve by Legislator Bishop, second by Legislator Caracciolo. All those in favor? Opposed? **1630 is approved. (Vote: 4•0•0•1)**

1631 making a SEQRA determination in connection with the proposed improvement and expansion of sewer district 18, Hauppauge Industrial, Town of Smithtown.

LEG. CARACCILO:

Motion.

CHAIRMAN LOSQUADRO:

This is a Type I action. There's a motion by Legislator Caracciolo, second by myself. All those in favor? Opposed? **1631 is approved. (Vote: 4•0•0•1)**

1632 making a SEQRA determination in connection with the proposed safety improvements on County Road 50. Motion by Legislator Caracciolo, second by Legislator Schneiderman. All those in favor? Opposed? **1632 is approved. (Vote: 4•0•0•1)**

1633 SEQRA determination in connection with the proposed improvements to sewer district 12 • Birchwood/Holbrook. I'll make a motion to approve, second by Legislator Schneiderman. All those in favor? Opposed? **1633 is approved. (Vote: 4•0•0•1)**

1634 SEQRA determination in connection with the proposed grease/scavenger waste treatment facility feasibility study. Motion to approve by Legislator Bishop, second by Legislator Schneiderman. All those in favor? Opposed? **1634 is approved. (Vote: 4•0•0•1)**

1635 SEQRA determination in connection with the proposed upgrading of water utilities at Timber Point Country Club, Great River. Motion to approve by Legislator Bishop, second by Legislator Schneiderman. All those in favor? Opposed? **1635 is approved. (Vote: 4•0•0•1)**

That concludes •• oh, I'm sorry, we did have an item table subject to call. Do I have a motion on 1033?

LEG. BISHOP:

We don't need a motion.

CHAIRMAN LOSQUADRO:

Yeah, yeah. 1502, same thing. Motion •• I'm sorry. We have the presentations. Legislator Caracciolo, I appreciate your toughing it out for us and staying present for the votes. That concludes the agenda.

I have two cards. First John Turner. Good afternoon, John.

MR. TURNER:

Is it on? Yeah. Chairman, I don't know if it be most efficient to actually •• for me to hold my comments now. I know you're going to be having some information at a presentation being made by Tom Isles and Janet Longo regarding the AVR Realty properties. And that's what I was here to speak about so, would you rather me wait?

CHAIRMAN LOSQUADRO:

Would you defer? My next card was from Tom Isles and Janet Longo. So, if you would choose to defer until after they're finished, that's fine.

MR. TURNER:

Yeah, that would be fine.

CHAIRMAN LOSQUADRO:

Please. Make sure that mike's on.

MR. ISLES:

Good afternoon, again. Members of the Committee, we're pleased to bring to you an item that has been •• was authorized by the Legislature for a land acquisition going back to 2002. It is a matter that we'd like to bring to your attention today, a little bit different from our normal cycle because this is a parcel that the County Executive will be requesting, I believe, a certificate of necessity next week for your consideration at the general meeting. So, what I'd like to briefly

do is just give you with the help of Janet Longo from the Real Estate Division, Randy Parsons from the Nature Conservancy and John Turner whose indicated as a representative of the Town of Brookhaven. Just a quick explanation of the acquisition, an acquisition that will be probably the most significant acquisition in the County since 1995. We've never bought this much land before.

To give you an orientation, Laretta Fischer from the Planning Department has passed out to you a summary of information, a package that includes an aerial photograph. Outlined in the green lines are the three subject parcels. And these parcels although they look a little bit small on the map before you because of the scale of the map, total about 340 acres of land. A significant portion of the acreage here is within the Pine Barrens core area. The other part of the property which is known as Fox Lair on the south most part of this map is in the compatible growth area. All of the parcels are within the Carman's River corridor, the Carman's River watershed. So, what you're looking at here are a cluster of parcels under one ownership at the present time, the three separate parcels that are within the central Suffolk special groundwater protection area within or adjacent to the Pine Barrens Core area within or adjacent to the Carman's River corridor. And we've also provided for you in the map in front of me here is a map of the entire Carman's River corridor extending from the Great South Bay north to what's known as the Rocky Point Preserve properties. But as you can see, there's been substantial federal, state, county and local Town of Brookhaven efforts towards preservation in this area including the Wertheim Federal Wildlife Refuge. The Southaven County Park, moving up to other smaller acquisitions, Camp Olympia, a recent acquisition by the Town of Brookhaven and the State of New York known as the Connecticut River properties, Cathedral Pines County Park.

So, we're dealing with an area with substantial public investment towards the protection of this corridor. So, there's two things I'd just like to convey to you today. One is to make you aware in terms of the significance of these properties for preservation purposes. And the second is just to give you a highlight of the acquisition facts in terms of the real estate side of it. And here, again, Ms. Longo is with us today to give you further information on that.

From the planning perspective, we feel that given the reasons that I just highlighted in terms of the location of these properties, that this is a fabulous opportunity for an acquisition that in this case and as Mr. Turner is here to speak on today as well involves an important partnership with the Town of Brookhaven, a substantial contribution by the Town of Brookhaven.

So, with that I'd like to now go to the real estate side of this and ask Ms. Longo just to summarize the acquisitions from an acquisition perspective. This has been a matter that has been under extensive appraisals, appraisal reviews, a very exhaustive process, a very thorough process. So, at this point, Janet, I'd like you to please enlighten us with a summary of that.

CHAIRMAN LOSQUADRO:

Just before you get started, Janet, I just wanted to clear up one thing. I heard you had mentioned Camp Olympia. This is near the property that we were just up at when the Governor came down to dedicate that new parcel that the state acquired?

MR. TURNER:

Yes.

CHAIRMAN LOSQUADRO:

Okay. Beautiful area. I just want to make sure that I was thinking of the right geographic area.

MR. TURNER:

Just to the •• just to the north.

CHAIRMAN LOSQUADRO:

Just to the north of the current ••

MR. TURNER:

These holdings we're ••

CHAIRMAN LOSQUADRO:

•• the new state acquisitions.

MR. TURNER:

•• talking about today. These parcels are to the north of the Camp Olympia Connecticut River estates complex.

CHAIRMAN LOSQUADRO:

Okay. Fantastic. Miss Longo, please.

MS. LONGO

Actually I was prepared to answer questions. I'm really not sure •• the Fox Lair parcel is in the compatible growth area. We're buying that or hoping to purchase it full fee. And that came out to a very reasonable number. Less than \$47,000 an acre. It's A•one zoning. The other parcels are the Cathedral Pines and Warbler Woods. We'd like to purchase the residual. Those parcels have conservation easements on them from the Pine Barrens Commission. So, we're looking to purchase the underlying fee on those parcels. And those numbers break down according to zoning.

CHAIRMAN LOSQUADRO:

Well, I see here obviously the Town of Brookhaven is contributing \$4 million ••

MS. LONGO

They're going to contribute \$4 million to ••

CHAIRMAN LOSQUADRO:

What would the total acquisition price be in our share?

MS. LONGO

A little over six million.

CHAIRMAN LOSQUADRO:

Our share would be ••

MS. LONGO

Our share.

CHAIRMAN LOSQUADRO:

So, about •• a little over \$10 million for the entire ••

MS. LONGO

Correct.

CHAIRMAN LOSQUADRO:

For the entire parcel? Or for the three parcels?

MR. ISLES:

Right, for a total of about 330 acres.

CHAIRMAN LOSQUADRO:

Right.

MR. ISLES:

So your point in terms of Brookhaven coming in with four million, not to complicate the matter too much, but just so you know, the Suffolk County Water Authority is also coming in and buying ten acres of the Fox Lair property. That will be separate and distinct from what the County and town are buying but still it's part of the overall preservation.

CHAIRMAN LOSQUADRO:

So, that would make the Fox Lair 205 acres, then?

MR. ISLES:

Exactly.

CHAIRMAN LOSQUADRO:

Okay. Interesting. Does anyone else have any other questions? Jay?

LEG. SCHNEIDERMAN:

You had said that two of the properties had conservation easements on them. I believe those were the two that are in the Pine Barrens Core areas.

MS. LONGO

Right.

LEG. SCHNEIDERMAN:

And then the one that is in the compatible growth area is a developable parcel?

MS. LONGO

Correct.

LEG. SCHNEIDERMAN:

What do we •• do have we a breakdown in terms of what we're paying for the developable piece?

MS. LONGO

It's a little less than \$47,000 an acre, which is a good deal.

MR. ISLES:

At a 195 acres.

LEG. SCHNEIDERMAN:

Okay.

MR. ISLES:

So, the total would be a little over \$9 million.

LEG. SCHNEIDERMAN:

And are we •• is the plan to bank the development rights for affordable housing or is there •• is that part of this? Or a portion of it?

MR. ISLES:

At this time that's not part of that. That's a County policy matter which we talked about, for example, in terms of the surplus tax parcels, stripping those development rights and putting them in a bank. That's something we hope to advance a proposal this summer. In terms of county parkland, that's not •• is a matter of policy or law. At the present time we're not doing that.

LEG. SCHNEIDERMAN:

And is this •• I'm sorry, go ahead.

MS. LONGO

Sorry. The other parcels that we're buying the underlying fee on, they have conservation easements on them. So, those development rights have been turned into Pine Barrens credit. So, that developer will be using those credits elsewhere.

LEG. SCHNEIDERMAN:

How do we determine what we pay for a property that already has been sterilized from

development?

MS. LONGO

There's a residual fee.

MR. ISLES:

We have an appraisal done of that exact value. And that value came in at, I think, something like \$7 thousand, \$6 thousand per acre.

CHAIRMAN LOSQUADRO:

Well, I just did the math quickly. And it looks like it's about \$30,300 an acre on average for the 330 acres?

MR. ISLES:

Yes, it's a blended number.

CHAIRMAN LOSQUADRO:

That would be a blended number ••

MR. ISLES:

Right.

CHAIRMAN LOSQUADRO:

•• for the entire parcels. So •• but if you'd looked at it from an overall acquisition standpoint ••

MR. ISLES:

It's pretty darn good, actually.

LEG. SCHNEIDERMAN:

How is •• Tom, how •• how do you establish value on a property with a conservation easement?

MR. ISLES:

It still has ••

LEG. SCHNEIDERMAN:

The fact that it goes to public access versus private party? Is that part of it?

MR. ISLES:

Yeah, we, number one, get an appraisal so we rely upon professional licensed appraisers. And the question does the property without development rights have value to it? The answer is it has some value. It doesn't have anywhere near the value ••

LEG. SCHNEIDERMAN:

I understand that with agricultural •• you know, but as a passive area with, you know, conservation easements on it, I'm just curious as to how you establish that value.

MR. ISLES:

The Nature Conservancy has been retained by the County to serve as our agent on this transaction. Randy Parsons is with the Nature Conservancy. He's also prepared today to testify for you.

CHAIRMAN LOSQUADRO:

Would you care to comment on that?

MR. PARSONS:

This is •• can you hear me?

CHAIRMAN LOSQUADRO:

Yes.

MR. PARSONS:

In the discussions with the appraisers on valuing the residual, Jay's question, Legislator Schneiderman ••

LEG. SCHNEIDERMAN:

It's okay, Randy.

MR. PARSONS:

I know Jay from East Hampton, but ••

LEG. SCHNEIDERMAN:

I'll call you Randy. You can call me Jay.

MR. PARSONS:

There is a market for •• because hunting is permitted, this is one of the uses they looked at. Hunting is permitted on land with conservation easements. And there are a number of hunting

clubs that buy restricted fee property for use for hunting. So, there was some rationale that the appraisers used for having a residual value. There are other uses as well as an amenity or simply for open space purposes. But there •• they did have a •• they did value the residual at the numbers Tom mentioned between six •• six and 75 hundred dollars an acre.

LEG. SCHNEIDERMAN:

And on the •• on the piece in the compatible growth area, what would have been the yield from that parcel? How many units? Do we know?

MS. LONGO

As determined by the Town of Brookhaven Planner, Dan _Glizeo_, he determined that would yield 179 lots.

LEG. SCHNEIDERMAN:

What's the zoning?

MS. LONGO

A•one.

CHAIRMAN LOSQUADRO:

She said it was A•one earlier.

LEG. SCHNEIDERMAN:

A•one?

CHAIRMAN LOSQUADRO:

Yeah.

LEG. SCHNEIDERMAN:

So ••

MS. LONGO

No. Fox Lair is A•one.

LEG. SCHNEIDERMAN:

Okay. So, like one acre zoning would be 175 lots?

CHAIRMAN LOSQUADRO:

179, I believe, the number was; correct?

MS. LONGO

Correct.

CHAIRMAN LOSQUADRO:

Okay. I appreciate you discussing this with us prior to having it come down on a CN.

MR. ISLES:

Yeah, we know that's an extraordinary act to bring a CN before you. And the County Executive, we believe, will be putting this forward. The reason we're doing this is A) to brief you for your purposes, but we think it's important because this is time sensitive acquisition. Not to say that the sky is falling with every acquisition we do, but this is obviously a lot of money. It's one where we feel that this would be eligible. It is eligible for financing through the Environmental Facilities Corporation. We're under the •• on a time constraint on that. So, with the approval and consideration of the Legislature, if we were to get approval next week, we'd like to be able to schedule this to close before the end of September in order to do that, and able to qualify for the EAF financing. So, that's why we bring it for you •• before you in this expedited manner. Certainly any questions you may have or any members of the Committee between now and next week, we'll do our best to answer that. But, I'd also like to point out once again that John Turner is here on behalf of the town. If there are any additional comments that John or you may want to hear from John on behalf of the town, I think their Town Board has recently enacted a resolution that may be John could speak on more directly in terms of this.

MR. TURNER:

Very, very recently.

LEG. SCHNEIDERMAN:

And, Tom, this is all quarter percent funds, is that correct, Mr. Isles? It's all quarter percent?

MR. ISLES:

Yes, it's all new quarter percent drinking water protection funds.

MR. TURNER:

The resolution, in fact, is hot off the press. The Town Board last night adopted a resolution committing \$4 million of town funds for this acquisition. Just to underscore, again, our perception about how valuable these holdings are and the benefits that •• that they will bring.

I do have a letter. I will try to summarize the letter if I might. It's a letter that was written by Councilman James Tullo, who represents the •• that councilmatic district; and the parcels are within that district. And for the record let me just say my name is John Turner and I serve as assistant Town Planning Director for the Town of Brookhaven. And in that capacity I've got the privilege of having oversight responsibilities for the Town's Open Space Program.

The acquisition if it does move through to fruition, will bring a number of very significant benefits including the recharge of approximately three quarters of a million gallons of pure water daily to the underlying aquifers. In that sense one of the reasons why the Suffolk County Water Authority felt it appropriate to participate, all four of these parcels ultimately •• because there will be a fourth one including the greenbelt on the eastern part of the area, are within the watershed of the Carman's River and does help maintain water quality in this river. A river that Suffolk County Health Department, I think, from their studies have documented has •• I think I characterized this •• surprisingly high water quality given the amount of the population that lives within it. But due to the acquisitions that the various levels of government have made as Tom Isles had indicated before, talking about the different partnerships, water quality in the rivers real •• so good, this will certainly help maintain that. These acquisitions will provide for the habitat critical wildlife habitat for hundreds of different species of wildlife. And the area •• I just want to make note of this •• this is typically called Warbler Woods. And that's a name that came about back in the 1960's because some ornithologists and field biologists that used to go out there saw that it provided very critical habitat for a number of song bird species. Many of these song bird species •• Laretta and I were talking about this the other day •• have remarkable, just simply remarkable life histories where they •• this time of year are breeding in these woods but the rest of the year will traverse unbelievable distances all the way down to South America where they'll over•winter. One of them's called a Scarlet Tanager which is a beautiful bird that is stunning scarlet red body, black wing linings. It is a common nesting bird in this complex. And, in fact, it over•winters in northern part of South America. In March it starts getting restless, wants to head north, comes up through Central America, comes up to the Yucatan and decides then in one fell swoop to fly across the Gulf of Mexico about 18 hours of flight; more than a million wing beats. Finally lands in Louisiana, through Texas and then works its way up to Long Island to breed here. And then to turn and do that cycle hopefully anywhere from seven to eight times in its life.

So that's what's you get for your acquisition here. And that's just one species of truly of hundreds of amazing life stories that relate to the property. And again that led the town to ••

CHAIRMAN LOSQUADRO:

That is one ambitious bird.

MR. TURNER:

•• pass the resolution. What's that?

CHAIRMAN LOSQUADRO:

That is one ambitious bird.

MR. TURNER:

Isn't it?

LEG. SCHNEIDERMAN:

It must really like Brookhaven, right? A lot of trouble.

CHAIRMAN LOSQUADRO:

How can you blame him?

MR. TURNER:

I always like to point that out to, you know, tri•athletes that ••

LEG. SCHNEIDERMAN:

No match to the little bird.

MR. TURNER:

So, anyway, to make a real long story short, we last night passed the resolution and we're delighted to work in partnership with the County Legislature, with the County, in this very significant acquisition.

LEG. SCHNEIDERMAN:

John, can I ask you •• looking at the aerial of this, particularly the Fox Lair property, not the Warbler Woods, which looks like a beautiful sanction of woodland ••

MR. TURNER:

Yeah.

LEG. SCHNEIDERMAN:

But the Fox Lair property, the western portion from the aerial looks like it may be disturbed. Is that the case?

MR. TURNER:

Yes, that is the case. In fact, the western part is an old field that through time will succeed into forest if given the opportunity. We will need to make joint management decisions about what our goals are there for it. Those lines that you see, there are some paths in there. To be quite frank with you, it is an area that the community or certain individuals have used in the past for ATV use; that I know both the county park police as well as town code enforcement has been trying to bring under control. And I think ultimately we will succeed in that. We are looking to deal with those management issues. Quite frankly, we're very excited about them because there are some cutting edge management issues. Randy's knows this very well. It's one of the focuses of the Nature Conservancy dealing with invasive species. There are some invasive species that occur in that field that we would like to try under control.

LEG. SCHNEIDERMAN:

So, the town may undertake a habitat restoration project?

MR. TURNER:

Yeah, they'll do that. And I also know there's been some interest by the Conservancy looking at the soil types there. It seemed to be conducive for icalina sequida colonization, which is the sandplane gerardi, the only federally endangered plant we have on Long Island. The soil type seem ideal for that. And I think they're looking at that site as a possible restoration site to try to kind of spread the plant around, which would be keeping with the overall recovery plant goal for that species.

LEG. SCHNEIDERMAN:

Any environmental contamination issues? Is there any industrial history in that section?

MR. TURNER:

Not that we've heard at all but we certainly will be going through that process to have a so-called environmental audit of the property as we move through the process.

CHAIRMAN LOSQUADRO:

Will copies of the appraisals be made available when this is brought under a certificate of

necessity? I'm sure you're well aware of the scrutiny that the process undergoes by those within this body? So, I just want you to be prepared to provide any and all documentation necessary to see that this is able to move forward.

MR. ISLES:

Well, we certainly can provide copies of the appraisals; perhaps it would be best to provide a summary of that information for you. Obviously anything we have the Legislature is welcome to. But we'll summarize that and have that available for Tuesday.

CHAIRMAN LOSQUADRO:

Please. I think that will be a great help.

MR. ISLES:

Okay.

CHAIRMAN LOSQUADRO:

And I think will go a long way towards allaying any of the concerns that may be brought up on that day. Legislator Bishop, did you have any questions regarding this potential acquisition?

LEG. BISHOP:

No.

MR. TURNER:

Nothing on Scarlet Tanagers?

CHAIRMAN LOSQUADRO:

Okay. Thank you very much. I appreciate your bringing that to us. Okay. I believe we have Dr. Christopher Gobler here to make a presentation to us. Mr. Gobler, I appreciate you waiting. I know we did the agenda a little bit in reverse but please.

DR. GOBLER:

Would you prefer that I sit and speak in the microphone ••

CHAIRMAN LOSQUADRO:

Can you hear him okay? Oh, no, you have to speak into the microphone, sir. The cord will probably reach.

DR. GOBLER:

Great. Thank you.

CHAIRMAN LOSQUADRO:

There you are.

DR. GOBLER:

So, I am Professor Christopher Gobler. I'm the Coordinator of the Marine Science Program at Southampton College as well as the Coordinator of a program called the Southampton College Estuarine Research Program. It specifically is looking at environmental issues on eastern Long Island. And today I'm here to present to you on a study that was conducted last summer specifically looking at the potential impact of pesticide applications on Sheepshead minnow, which are small fish in salt marsh ecosystems.

By way of introduction and background, salt marshes line all the estuaries or most of the estuaries in eastern Long Island as well as in the south shore. They serve a critical function both ecologically and chemically. There's lots of important marine species that live within these areas. They also serve to buffer land areas against flood. They also serve to prevent land derived contaminants from entering our estuaries. So, they're very important.

Another critical element of a lot of the estuaries are salt and marsh systems on eastern Long Island and southern end Long Island are mosquitos; specifically mosquitos are known to breed in areas that fill with water and often breed in salt marsh ecosystems. They're also known to carry many human pathogens. And specifically you've all become aware in the past several years of West Nile Virus. There's been over five hundred cases of West Nile virus; a few being killed by West Nile in the US since it first broke out in 1999. Here in the New York metro area there's been over 200 cases and 18 deaths. There are only seven cases, however, last year. And it seems if you follow the statistics according to the CDC, the frequency of West Nile virus cases actually on eastern US is decreasing. They're increasing in the west. So, seven cases last year.

Pesticide application is a primary agent by which the County deals with mosquito populations. They're sprayed both aerially and on the ground. There's specific types of pesticides to target particular life stages of mosquitos; larvicides to go after •• such as methropene to go after

larval stages of these mosquitos whereas adulticides have resmethrin applied to adult stage mosquitos. The impact of •• precise impact of these pesticides on salt marsh ecosystems are unknown. There's been a lot of laboratory studies done using specific organisms exposing them to the pesticides. But there's been precious few studies done actually in the field. We have a lot of other complicating environmental factors going in addition to the pesticide application.

So, the objective of the study that I'm going to present today was to evaluate the impact of both resmethrin and methropene on the growth and survival of Sheepshead minnows in Long Island ecosystems. To go over the approach, I'm just going to pop these up so I'm not stepping back and forth. We're looking at the Sheepshead minnow which is a common fish found in a lot of estuaries in salt marsh ecosystems. We got these fish specifically from an environmental consulting firm in Bohemia, New York; that is they are raised in a laboratory under pristine conditions so all the fish were exactly the same, which is important knowing their environmental history.

Before we conducted our experiments, we measured the length of all the orders to make sure we knew how big they were at the start. We set up cages in different salt marsh ecosystem areas specifically very simple buckets that were lined by mesh. Holes were cut in the buckets so water could flow in and out. We checked for aerial notification of pesticide applications via the Vector Control website. We set up two cages from each particular area putting 20 fish in each cage. And these cages were put in two different locations, areas that were either sprayed •• we know there was going to be a spray event or an area that didn't have a spray event. And we'd have two locations in each so essentially we'd get somewhere on the order of hundreds of these fish and split them in two. And we did all the proper scientific replication. And then half of the fish were in an area that was sprayed and half were not.

We put the cages out one day before the spraying was to occur. And after 4, 24, 48 and one weeks' time, we'd monitor these sites for the water quality specifically temperatures, salinity, dissolved oxygen and then the growth and mortality of these fish to look at the potential impacts. Oh, and this is just a picture •• I thought this was a pop•up earlier •• of the exact cages we used. They're put in ditches within the salt marsh ecosystems, a weight at the bottom, a float at the top to keep them suspended perfectly within the water. And these were where our fish were kept in.

There's two sites that we had results for in 2003. I'll show a map of each of these. One was in

Oakdale. They were •• four times we set up experiments there in the red. On September 1st, 2003 is the time there was a spray event and we had one experiment in Mastic during a spray event as well. There were differences amongst all our sites, sprayed sites, the non•sprayed sites in temperature, salinity, dissolved oxygen and other things. But none of these were statistically different with regards to the statistical task. The sites were statistically the same with regards to these simple environmental parameters.

The first site I'm going to talk about is in Oakdale. This is the Connetquot River. Down here you can see the bottom of Great South Bay. What you're looking at through here is known as the Grand Canal. It was actually cut out for the Vanderbilt Estate about 100 years ago. This area in here is all salt marsh and was sprayed on a near weekly basis in 2003. That's where the first set of experiments were conducted. The one time it was actually sprayed •• this is Great South Bay •• so now you're looking at a second view and we had two sites, one within the salt marsh and one near the Grand Canal. This was sprayed on September 1st with methoprene, a larvicide. We concurrently set up a control site, at a site that wasn't sprayed at the college on Old Forge Pond in Southampton. And this is exactly not what I expected to come up, but I guess this is what happens when you go from one version of Microsoft to another. The background was supposed to be white. Okay.

Well, I'll talk you through the results. What you're looking at are two bars, obviously. The red bars are the ones that had the spray from the pesticide. The blue bar is the ones that were not sprayed. And what you're looking at in the top is the growth rate of these fish species; and here you're looking at the survival. What the results show, here are the two sites that were sprayed, sites one and two. There were significantly •• and I think I have little stars popping so I might as well do that as well. The stars •• the red stars up there which show real nice in a white background •• indicate there were significantly lower growth rates of the fish in the area that was sprayed relative to the control site during that study, the site that wasn't sprayed, as well as the sum of the control sites for the entire study period in 2003. In addition and •• well, the numbers won't mean much to you. Maybe mortality it will, though. Looking at the survival of these fish and the site that wasn't sprayed for this experiment, we had 100% survival and we had lower rates of survival; statistically significantly lower rates in the area that was sprayed at 60 and about 50%. So, that's the Oakdale experience.

This came up white. So, in addition we compared for all the experiments we did, again, the survival. This is areas that weren't sprayed. All sites •• and just in Oakdale I mentioned we did four different studies •• experiments in Oakdale. During three of them they were not sprayed

and you can see lower •• higher survival rates during the non•sprayed weeks versus the one week that was sprayed. And statistical sets indicate these this is a statistical significant difference.

The second site we studied was in Mastic. I'll pull up some more information here. Again, we had two sites. One close to a creek, and one back within a mosquito ditch. This is a different type of pesticide resmethrin, an adulticide. It was sprayed on August 27th. We had two control sites for this experiment; one at the college and one at the Oakdale site. These are areas that were not sprayed. And the results were as follows. Once again, I don't get my white background. Okay. In a similar manner, at one of the two sites that were sprayed, growth rates of these fish were significantly lower than the rates we saw in the non•sprayed areas. Just one of the two sites. So, the site actually further into the creek, the growth rates of the fish there were exactly the same as the areas that weren't sprayed.

With regards to survival in the application of this pesticide, we saw survival rates were actually higher than the control sites. So, effectively no impact on survival during this experiment, but a reduced growth rate of one of the two sites.

There do remain outstanding questions with regard to what I'm showing you here today, and I'll just point out two of those. One question that we can't answer is what were the continuous levels of dissolved oxygen in experimental sites. During our experiments, we measured oxygen when we were out there and it was adequate for fish survival. But was not measured continuously. In addition, we did not measure the level of pesticides in the water or in the animals. And, therefore, that would be the second sign of the smoking gun with regard to these experiments. We are in the process of conducting a follow•up study to address these particular issues.

But to just sum up, and I'll pop all these up, growth and survival of Sheepshead minnows in the Oakdale site were significantly lower relative to the control site that we had during the aerial application of a larvicide. During the aerial application of an adulticide in Mastic, growth rates of Sheepshead minnows were significantly lower than one •• one the sites lower than the control sites. There was no impact on survival. And we're in the process of conducting further research to clarify the impact of these pesticide applications and other environmental variables on various animals in salt marsh ecosystems.

CHAIRMAN LOSQUADRO:

Thank you. Question. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

It's a very interesting study. I guess my first question has to do with these two different chemicals. One you said was a larvicide and one was an adulticide. I've always thought of the adulticides as worse than the larvicides. I'm not sure why but I think I thought the larvicides maybe had an organic base to them. This is kind of interesting where you're finding that the larvicides are worse than the adulticide; at least in this particular case.

DR. GOBLER:

In these particular two experiments, that's correct. And I •• what you're saying about the differences with regards to what's out there in the scientific literature is correct as well. There is •• I'll put forth an idea that's out there in ecology right now. It's called the multiple stressors impact. And that is in any •• you can do a lab experiment and get a given result and that's all good and well. But when you take animals that are in the real environment under real conditions that have multiple things going on such as high temperatures maybe, questionable levels of oxygen and other stressors coming from the watershed area around them, the •• some of those impacts may be greater than the individual impact of that chemical in a laboratory experiment.

LEG. SCHNEIDERMAN:

Could you replicate the experiment entirely in a laboratory and match the concentrations that • of these chemicals that these fish might be exposed to and eliminate some of these other variables?

DR. GOBLER:

Yes, but •• well, you couldn't account for all of the things. And that's something we're working on this year, in fact, is doing laboratory experiments as well.

LEG. SCHNEIDERMAN:

Another question in terms of putting these cages into these areas prior to them being sprayed, how long were they left there after the aerial spraying?

DR. GOBLER:

For one week.

LEG. SCHNEIDERMAN:

One week. And was that sufficient time for these chemicals to move from the marshes and from the surface waters into the •• I suppose a few inches down where these cages were?

DR. GOBLER:

Yes. For the most part we've done studies looking at the movement of water in a lot of these systems. And within •• only a tidal cycle or a few tidal cycles they typically flush out.

LEG. SCHNEIDERMAN:

My last question comes back to my first question a little bit. I've been concerned about the County, the Vector Control, the spraying program. And I've been trying to move the County more toward a preventive program eliminating standing water, but also approaching it from the larva perspective. And what I'm hearing now is a little bit of a concern that larvicides might actually be worse than the adulticides. Is it true that •• was this particular larvicide, is this an organic larvicide?

DR. GOBLER:

No.

LEG. SCHNEIDERMAN:

Okay. But there are some ••

DR. GOBLER:

I guess it depends on how you define organic. It's an organic compound.

LEG. SCHNEIDERMAN:

Right, right, because it's got carbon and nitrogen and oxygen in it.

Right. But there is •• are •• there are larvicides in use that are supposedly safe; are there not?

DR. GOBLER:

Yes, absolutely. There's •• in fact there's •• for those who like bio•controls, there's actually specific bacteria that can be put out that are, again, as far as we know harmless to other things in the ecosystem, but specifically do target larvi of mosquitos, for example.

LEG. SCHNEIDERMAN:

Can you name some of those? For example, can you give me a name of one of the safer products?

DR. GOBLER:

Just the one I just mentioned, actually is a •• I mean that does get used on occasion. Putting in specific bacteria that target larvi.

LEG. SCHNEIDERMAN:

What is the name of that product? Is that like a BT? It's BT?

DR. GOBLER:

Yeah.

LEG. SCHNEIDERMAN:

BTI? Okay.

CHAIRMAN LOSQUADRO:

Legislator Bishop?

LEG. BISHOP:

Thank you. Thank you for the presentation because it's very well paced. I appreciate it.

DR. GOBLER:

I see you guys are in a rush and nobody wants to hear it too long, so I tried to do it ••

LEG. BISHOP:

You must have studied the attention span of politicians. Command that.

LEG. SCHNEIDERMAN:

Two minute study.

LEG. BISHOP:

I don't know if you're familiar with what this Legislature did last year and the year before, we appropriated money for a long•term management plan, \$5 million. And we're supposed to have all sorts of studies as a result of that. Are you familiar with the studies that are planned and •• and are they inadequate in your opinion to ••

DR. GOBLER:

This year study •• I'm •• in this coming year, myself and other faculty members from Long Island University will be working with people from Stony Brook and also people from the County specifically to conduct coordinated experiments to investigate this exact event in actually a

more organized fashion. And I think by the end of the summer we'll have even further results that will tell us even more. We'll be looking at different species as well and we'll have better environmental measurements of what's going on during these events.

LEG. BISHOP:

Okay. So then you're •• so that long-term management study you're familiar with and it's on the right track. I'm just concerned, that you know, I would hate to believe ••

DR. GOBLER:

I can only ••

LEG. BISHOP:

•• \$5 million and then have Kevin McAllister, yourself and other people say, well, that was completely wrong. It wasn't even ••

DR. GOBLER:

I can only speak to what I know is going forward with regards to this year's studies looking at experimental studies, looking at this similar phenomenon.

LEG. BISHOP:

Thank you.

CHAIRMAN LOSQUADRO:

Very good.

LEG. BISHOP:

Thank you.

CHAIRMAN LOSQUADRO:

Very good. I Appreciate also the •• echoing Legislator Bishop's comment, I appreciate the brevity, but very informative presentation. I appreciate all the efforts you made with the control groups trying to account for the very varied environments even found, you know, within a relatively small geographical area such as Suffolk County. And I understand how difficult that is. It seems as though that there's still some work to do. Obviously some of the results were,

you know, where you saw some survival rates that were even a bit higher in some areas. So, I think accounting for some of those dissolved oxygen levels and some of the other items you mentioned is a definite next step. I definitely think you're on the right track there.

DR. GOBLER:

I should mention the oxygen was accounted for, but not on a continuous basis. That is when we were out there, it was there. But not on a 24/7.

CHAIRMAN LOSQUADRO:

And if you can just answer just a question. It's not really necessarily related to this study, but what role •• you said these were common fish within these marshes. What role do they play within the salt marshes when they occur naturally?

DR. GOBLER:

They're important pray fish for larger fish. So, they're definitely within the base of estuarian food.

CHAIRMAN LOSQUADRO:

Okay. Thank you very much. I appreciate your presentation.

LEG. SCHNEIDERMAN:

I'm sorry.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Is this study published?

DR. GOBLER:

We do have a technical report available. I think Kevin LaValle has copies of the report that •• I should say also you can go to the website. Did I mention the website? SCERP.net. SCERP stands for the Southampton College Estuarine Research Program.

CHAIRMAN LOSQUADRO:

I'm sorry. That was SC ••

DR. GOBLER:

SCERP.net.

CHAIRMAN LOSQUADRO:

Are you publishing it to a journal?

DR. GOBLER:

We may be. I think we're going •• it's going to be based on what we get for the results this year. That's •• actually there it is. Emerging details available from the website. And you can download the report off of that site as well.

DR. GOBLER:

Was it subject of peer review?

DR. GOBLER:

This was subject to internal peer review but not external.

CHAIRMAN LOSQUADRO:

Very good. We look forward to your further findings on this. Thank you.

DR. GOBLER:

Thank you.

CHAIRMAN LOSQUADRO:

Okay. And I believe we have Mike Martin if he's still here, who is here for Vito Minei. Is he still present? We're just waiting just a moment. I apologize. I was given some incorrect information there. We're going to have a presentation, I believe, on the Peconic River Environment and Health Assessment; correct?

MR. DAWYDIAK:

Okay, yes. Hi, Mr. Chairman, members of the Committee. Thank you very much for your time. My name is Walter Dawydiak. While we're setting up, I'll just mention I'm the Chief Engineer for the Suffolk County Health Department. I'm here for Vito Minei, the Division Director. Vito sends his regards and his regrets for being unable to be here today. It's rare

that he misses one of these and today was one of those days. I'm personally happy to be here for an issue other than Vector Control for a change. And this is just a very happy day for all of us here in the Health Department as well as the environmental community. Andy Rapeijko, a hydrogeologist, is setting up his presentation. Andy's been involved from the beginning in a process I've been tangentially involved with. We also have Adrienne Esposito and Pete Maniscalco from the COC. I want to express Vito's sentiment as well as mine, that we owe these folks a huge debt of gratitude in moving a very complex issue forward incredibly constructively. And this is one example where the process, I think, has ended well for the environment and for all the parties involved. That's all I had to say by way of introduction.

CHAIRMAN LOSQUADRO:

Before you get started, you thought you were getting off without a question of Vector Control but since you're here, Legislator Schneiderman has a question.

LEG. SCHNEIDERMAN:

I've ruined your happy moment by asking a Vector Control question.

MR. DAWYDIAK:

It was blissful.

LEG. SCHNEIDERMAN:

The larvicide that was mentioned by the previous speaker that was leading in his study to the higher mortality rates and this lower growth rates, is that in widespread use in the County's Vector Control program?

MR. DAWYDIAK:

Methoprene alticid is a trade name for the chemical methoprene. It is in fairly widespread use, correct.

LEG. SCHNEIDERMAN:

Okay. And what about the BTI's?

MR. DAWYDIAK:

That's also used. The primary methods of larviciding are the biological agent. _Vasilis

forengansis isrelensis__ •• I'm not sure if I'm pronouncing it right but it's BTI. Methoprene is a chemical which is used in situations where BTI is not believed to be effective for larval control.

LEG. SCHNEIDERMAN:

And based on the study, does the Health Department plan on changing its policies in regard to the use of altracid?

MR. DAWYDIAK:

Based on Dr. Gobler's study? It's possible that this study may wind up with very fundamental changes and recommendations on both water management and chemical usage. We take this study very seriously. It's a very important preliminary study. We're fortunate to have Dr. Gobler here. He's worked with us on brown tide studies in the past. He's collaborating with Stony Brook and our consultants to do a very extensive study this summer. We're looking at multiple replicate sites, replicate events and very carefully selected control areas with additional chemical measurements, not only of our pesticides but other pesticides. And we're hoping that by the end of this summer we have more clear•cut answers to your question. But certainly changes in chemical usage. Patterings is one of the issues on the table for the long•term plan.

LEG. SCHNEIDERMAN:

I'll let you go with that for now.

MR. DAWYDIAK:

I appreciate it.

LEG. SCHNEIDERMAN:

You can move onto your presentation.

CHAIRMAN LOSQUADRO:

Okay. Presentation. Moving on.

MR. RAPIEJKO:

Good afternoon. Since brevity is the buzz word today, I just want to point out that Dr. Gobler's study was a year and he got about ten minutes. This was a five•year study so indulge me with fifteen. My name is Andy Rapeijko. I presented at the last meeting of the •• this Committee regarding the Health and Environmental Assessment the County Health Department performed.

On the agenda it says •• actually this is the same study but actually this is a different study we're talking about. I'm going to talk today about this study titled Analysis of the Department of Energy's Proposed Cleanup Plan for the Peconic River at the Brookhaven National Laboratory Site.

As an introduction you're probably wondering, well, what is this study about and why am I here. This study was performed in conformance with Suffolk County Legislative resolution 615 •2000, which was passed in July of 2000. And I wasn't kidding when I said it's a four•year study, four or five•year study. The resolution required the Health Commissioner to analyze the Department of Energy's plan which at the time was put out for public comment in February of 2000; their plan to clean up the Peconic River. But also stated that the Commissioner had to empanel a panel of experts to evaluate the plan. And it stated that the Health Department had to provide the report to the Legislature. And in that report it should determine the extent of the cleanup that's needed in the Peconic River as well as evaluate alternative methods for that cleanup. The legislation also required that the Health Department work in conjunction with the Community Oversight Committee that it had established in 1999.

For any west end Legislators this is Long Island. And it's the location of Brookhaven Lab, kind of in the center of Long Island. It's about a 5,000 acre site. This is an aerial photo taken in 2001 of the Brookhaven Lab site. And I want to point out here this is the Brookhaven sewage treatment plant which discharges into the head waters of the Peconic River, which then runs off the property into Suffolk County parkland. Brookhaven Lab is a federal superfund site. They've broken it up into seven operable units for management purposes. Sewage treatment plant in the Peconic River are located in operable unit five. Again, on little more close up of a map of Brookhaven Lab. The Peconic River, which flows off the lab property. All the green indicated on this map is Suffolk County parkland so the substantial portion once it flows off the Brookhaven Lab property is in Suffolk County parkland. And it flows west to east and eventually discharges into Flander's Bay.

Again, another closer up view and I just want to point out several references because we'll be talking about these references a little later on in the study. We have the Brookhaven Lab property, Schultz Road crosses the Peconic River here. And Manor Road covers the Peconic River here. And Connecticut avenue is further to the east.

A little background. Brookhaven Lab's sewage treatment plan in past operations had discharged chemicals and radioactive contaminants through the sewage treatment plant that

discharges into the Peconic River, which resulted in sediments in the river becoming contaminated with metals such as mercury, copper and silver, pesticides and radionuclides primarily cesium 137. In February 2000 the DOE proposed a cleanup plan. And their proposal included excavating sediments in the Peconic River with cleanup goals set for mercury, copper and silver. Anything •• any samples •• more areas that had levels above that would be remediated above those levels.

The Suffolk County Legislature in May of 2000 held a public hearing regarding the cleanup plan. Many concerns were expressed by members of the public as well as regulators. These concerns included the extent of cleanup being proposed as well as the methods the Department of Energy was proposing. In July of 2000, the Department of Energy withdrew their plan to perform further evaluations on the clean up. In May of 2004, May 24th, the DOE completed those further evaluations and released a new cleanup plan. So, we've taken that this report and analysis will be done on the new cleanup plan presently out for public comment.

As far as the expert panel, the Commissioner solicited 23 persons as to their ability to serve on the panel. These names were both from the Health Department and from the COC. All aspects of this project was done with the COC. Nine participants accepted so we had a nine•member expert panel. This included both governmental, quasi•governmental and private agencies. So, the first thing that was done was to analyze the clean up the Peconic River. This is from the resolution. And it was look at the extent of the cleanup that was necessary and determine the extent that was necessary; and also determine economically, environmentally viable cleanup alternatives.

As far as the extent of cleanup that was necessary, the approach we took was to look at PCB and mercury contamination since those were identified in the health assessment that we presented last month as the two contaminants of most concern bio•accumulates in fish. And these contaminants are also •• had been found to be co•located with the other contaminants of concern. And this is a table that just shows the highest PCB contaminations was also •• you have the highest contaminant •• contamination of cesium and silver are located in the same places.

This chart is a chart of mercury concentrations and cesium concentrations. And the red box would be everything that Brookhaven is proposing to clean up based on the mercury concentrations. As you move to the right, you have higher cesium concentrations so all these

cesium concentrations that are elevated to this site as you can see will be cleaned up along with the mercury. As far as the extent of the contamination, the yellow here illustrates what's been defined over studies as the extent of the mercury contamination in the river basically from the outfall of the sewage treatment plant just past Manor Road. Those levels of mercury have all been found to be above background and elevated. Once you get past this point up to Connecticut Avenue we're back to around background levels of mercury.

So, the Suffolk County Department of Health and the COC determined the extent of cleanup basically is that which would bring the levels of contaminants in fish down since that was the primary risk was people consuming fish so the clean up that would be needed is one that reduces those levels of contaminants. On-site, that would be cleaning up the depositional areas. Depositional areas are areas where the river bends and the water slows down. And the contaminants settle out and settle into the mercury and you see highest levels of contamination there. Also, we determined that any localized hot spots from mercury should be removed as well as any areas identified as producing methylmercury which is the most dangerous form of mercury and the kind that bio-accumulates in fish. So, these are the depositional areas. This is the Brookhaven Lab property, the sewage treatment plant. And you see these big open water areas and where the river bends. That's where these contaminants settle out. The COC and the Health Department determine that off site in the county parkland up to Schultz Road that, again, all the depositional areas should be remediated as well as localized mercury hot spots and preferential methylmercury areas which have been identified in the County park through studies Brookhaven has done.

This is now going off-site. This is all county parkland. These areas up here have been •• they have lower mercury contamination in the sediments but they have been identified as producing the bad methylmercury that accumulates in fish.

And then the last part is the extent of cleanup off-site east of Schultz Road. And this •• we determined that any localized hot spots that were identified •• there was localized hot spot near Manor Road, which is about five miles from the sewage treatment plant that had elevated concentrations of mercury. That should be remediated and also Brookhaven Lab is currently doing some methylmercury sampling in that area to see if there's any problem with methylmercury and that area should be removed also, if that's identified.

This is the area down by Manor Road. And the yellow here highlights the areas currently identified as that hot spot to be removed down by Manor Road.

Okay. Finally the viable cleanup alternatives the legislation had required that we look at this. There were four cleanup alternatives that were evaluated. One was phytoremediation. The second was electro•chemical remediation, high capacity vacuum guzzler and sediment removal/wetland restoration. Phytoremediation is basically growing plants and having the plants suck up the contaminants and then harvesting the plants and removing the contaminants through the plants. Electro•chemical is putting plates and electrical charge into the sediment and the contaminants migrate to these plates, plate on. And then you remove the plates and you remove the contaminants. A vacuum guzzler is basically just what it sounds like. It's a big vacuum machine. You just suck up the sediment. And sediment removal/wetland restoration is just the standard construction equipment and replacing the wetlands.

So, these were evaluated. And phytoremediation was determined not to be a viable alternative. It has such a long time frame. It would take thousands of years to clean up to the levels that would be needed. The expert panel, people that looked at that, agreed with those conclusions. Electro•chemical was also deemed not to be viable. This could concentrate contaminants and then they not plate on and cause more problems than what you would have now. The vacuum guzzler, BNL actually did a pilot study on that and two of the three areas had to be re•remediated if that's a word. So, we determined that that wouldn't be a viable alternative. So, really the sediment removal wetland restoration, that was pilot tested successfully by BNL and that was deemed as a viable alternative.

A comparison to the proposed study, the proposed cleanup plan of February 2000 and the DOE plan that is currently out for public comment, the current plan is three times more area going to be proposed for remediation. Six acres was the 2000 plan. Now, it's proposed almost twenty acres. The cost is about twice as much. It was about \$6 million in 2000. The current plan is approximately \$12 million. There is a more extensive cleanup throughout the County parkland. And the purpose of this current cleanup plan is to lower levels in fish which has been deemed the problem which in the 2000 plan the purpose was to protect the benthic worms in the sediment for toxicity, which was deemed not an appropriate way to go about designing a cleanup. We wanted to protect •• we want to protect the fish because people are eating the fish. And that's how you get the risk.

So, basically a quick map in 2000; just these circled areas were proposed for remediation. The current proposal has all these areas in red through the County parkland plus that area down in Manor Road also. About two acres down in Manor Road included. And the conclusions, the

Health Department and the COC came to regarding the extent of the cleanup proposal is that this current DOE proposal in an appropriate proposal for cleaning the Peconic River. The method of cleanup also being proposed excavation wetland restoration is also appropriate. And there are some recommendations in the report as far as implementing these •• these •• the cleanup plan. And the first one is DOE should implement the proposed plant, their alternative four in their proposal. They need to assess whether there's methyl mercury production going on east of Schultz Road and change the plan if anything is found there to address those areas. They need to institute strict controls to prevent the migration of contaminants downstream while they're excavating, institute a long•term monitoring plan of fish, sediment and water to assure that the mitigation procedures that they're doing now are in deed taking care of what the problem is and that is bringing the levels of contaminants in fish down. And also that the DOE should continue its efforts in pollution prevention and consider putting on site somewhere a permanent display depicting all the efforts made in the cleaning up the Peconic River contamination which has resulted from the past poor management practices, waste management practices at the lab. And that's it.

CHAIRMAN LOSQUADRO:

I think we have some questions. We'll start with Legislator Bishop.

LEG. BISHOP:

Hi. It's good to see you again. I just want to put on the record what we've discussed previously. The Suffolk County Department •• Division of Health Services will continue to monitor and use its laboratories to make sure that the cleanup is progressing to the levels that have been agreed upon?

MR. RAPIEJKO:

Correct. Correct. We will, as we have in the past, continued to split samples with Brookhaven Lab as they do the cleanup to assure that they've •• they're cleaning up to the levels that they should. And also we have instituted since they have begun cleaning up on the lab property, we've instituted taking samples down in the County parkland to assure that the sediment migration that I mentioned we were concerned about when you're excavating isn't occurring. And we're going to be doing that on a weekly basis or even more so as the excavation goes on.

LEG. BISHOP:

Terrific. Thank you.

CHAIRMAN LOSQUADRO:

I just want to touch on that point quickly because that tied into my question of what type of controls can be put into place to prevent that contaminant migration? Are you going to be working with machinery to, you know, to excavate this sediment? What sort of controls are used to prevent that migration?

MR. RAPIEJKO:

Well, the first and foremost is that the excavation is done in the dry. They de-water the river. Right now they have diverted the sewage treatment plant which up in that part of the river is the main flow of the •• of the river up in those headwaters. They've completely diverted this sewage treatment plant. The river is dry. They have pumps to dry it out with whatever ground water comes in. And then they put these dams across •• these bladder dams that just lay right across. And they section it off. It's in the dry. And they bring the equipment in, excavate it, take samples. If everything is okay, they let the water back in there and move to the next section. And additionally there's the monitoring that goes on. Down stream you look at suspended solids and mercury levels. And Brookhaven Lab is instituting that, but as I mentioned to Legislator Bishop, the Health Department is also using a lot of resources, too, because it is a County parkland where it flows off to assure that that's not happening also.

CHAIRMAN LOSQUADRO:

Thank you. Thank you for the presentation. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, I certainly share the enthusiasm or the happiness that after all these years it's finally getting cleaned up. And obviously \$12 million is a lot of money, particularly when some of these contaminants seem to have entered the river through what I would classify as carelessness; thermometers apparently that were broken and poured down the drain and then into the sewage treatment facility. What steps •• and maybe you don't know the answer to this, but what steps are being taken to prevent contamination in the future? Is the lab conducting an audit of its activities there to make sure that it has the proper safeguards in place to prevent contamination in the future so we don't have to go through this again?

MR. RAPIEJKO:

You're right. That is a better question for Brookhaven Lab. And there are representatives here if you'd like to ask them the question. But, yes, they have instituted controls to mitigate these

things. These things are legacy wastes, legacy problems left over from •• you know, the lab was initially a camp back in World War I and had the graphite reactor which was closed in '68. That's where the cesium has come from. The mercury, they've reduced the thermometers and what not. So, they have been doing that. And, again, if you'd like someone from the lab to speak to that, they'll probably do a better job.

CHAIRMAN LOSQUADRO:

Please. Is the microphone on behind you?

LEG. SCHNEIDERMAN:

On the issue of hazardous waste disposal containment, if you could address that.

MR. MEDEIROS:

Sure. My name is William Medeiros. I'm the project manager for the Peconic River cleanup. Over the past several years, the laboratory has become increasingly more vigilant in controlling the potential for environmental contamination. We are now iso•certified as a laboratory. That's an international certification process to certify the way that we do things to protect the environment. We have stopped using mercury in many sections of the laboratory as one additional measure. We have a state pollution discharge elimination system, a SPEDES permit now and mercury is covered by that. And we are meeting that with 99 to 100% success. There's a very active environmental stewardship program also going on at the laboratory. And an education program that encompasses not only us, the environmental professionals, but also the scientific and operations staff.

LEG. SCHNEIDERMAN:

The testing that occurs within your sewage treatment plant, is there regular testing for chemical contaminations other than your standard nitrogen and Ph type of test that they might have ••

MR. MEDEIROS:

Absolutely. There's a full range of analyses of metals, radionuclides and organic compounds. And those are reported on our website and reported also in a document known as the Annual Environmental Monitoring Report which is shared with the public.

LEG. SCHNEIDERMAN:

Do you have a system in place where you can shut down that facility if the scavenger waste or

the sewer treatment facility in time to prevent these contaminants from reaching or are you waiting three days to find out your test results, and oops, it's already moved into the river?

MR. MEDEIROS:

There is an environmental monitoring station one kilometer up stream from the sewage treatment plant. And that gives adequate time to shut down and divert the effluent from going into the filter beds and instead going into a temporary holding pond so it can be analyzed once it trips the alarms.

LEG. SCHNEIDERMAN:

Okay. Thank you.

MR. MEDEIROS:

You're welcome.

CHAIRMAN LOSQUADRO:

I just want to make a couple of comments. Number one, living just up William Floyd Parkway from Brookhaven Lab my whole life •• I live right up in Shoreham. I grew up in Wading River. I'm very happy to see that this plan is moving forward. This is something that those in the area have lived with, you know, since anyone can remember. Obviously, as was said, is Camp Upton. It's been around quite a longtime. And I know as of late the lab has made special efforts to reach out to the community, listen and act to, you know, various civic and environmental groups. So, I just want to thank them for their efforts in working together with those from the community and those from government. And I'm very •• again, I'm very happy to see this moving forward. Do we have anymore questions regarding this presentation?

LEG. SCHNEIDERMAN:

You occasionally glow.

CHAIRMAN LOSQUADRO:

Yes, I have a glowing personality. Thank you very much for the presentation. And I just would like to put on the record, I forget to mention earlier that Legislator O'Leary requested and has been granted an excused absence. There's no further business before us ••

LEG. SCHNEIDERMAN:

- motion to adjourn.

CHAIRMAN LOSQUADRO:

Motion to adjourn is entertained. Meeting is so adjourned. Thanks.

(THE MEETING CONCLUDED AT 2:35 PM)

_ _ Denotes spelled phonetically